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FILED
08 JUL -3 PM 12:45
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY: ECL DEPUTY

Attorneys for Defendant
HAMILTON SUNDSTRAND CORPORATION

UNITED STATES DISTRICT COURT

IN AND FOR THE SOUTHERN DISTRICT OF CALIFORNIA

SHARIF AHMED OBAID, Plaintiff, v. HAMILTON SUNDSTRAND CORPORATION, a UNITED TECHNOLOGIES COMPANY, and DOES 1 through 20, inclusive. Defendants.	Case '08 CV 1197 IEG AJB **NOTICE OF REMOVAL TO THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA – DIVERSITY JURISDICTION** (San Diego County Superior Court Case No.: 37-2008-00083755-CU-WT-CTL) (Filed Concurrently With Declaration Of Cassandra H. Carroll; Notice of Party with Financial Interest)

TO THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA AND TO PLAINTIFF AND HIS COUNSEL OF RECORD:

PLEASE TAKE NOTICE that Defendant HAMILTON SUNDSTRAND CORPORATION hereby files this notice of removal pursuant to 28 U.S.C. Sections 1441 and 1446, in order to effect the removal of the above-captioned action, which was commenced in the Superior Court of the State of California in and for the County of San Diego, Central Division, and state that the removal is proper for the following reasons:

ORIGINAL

CK

TIMELINESS OF REMOVAL

1. On or about May 15, 2008, Plaintiff Sharif Ahmed Obaid ("Plaintiff") filed a Complaint For Damages against Defendant Hamilton Sundstrand Corporation ("Hamilton" or "Defendant"), and DOES 1-20 in the Superior Court of the State of California, County of San Diego, Case No. 37-2008-00083755-CU-WT-CTL. A true and correct copy of the Summons and Complaint filed in the state court are attached collectively as Exhibit A.

2. The Complaint for Damages was served on Defendant on or about June 6, 2008. No other Complaint has been served on Defendant. This Notice of Removal is timely filed as it is filed within thirty (30) days of June 6, 2008, the date of service of the Summons and Complaint for Damages. 28 U.S.C. § 1446(b).

DIVERSITY JURISDICTION

3. The Court has original jurisdiction of this action under 28 U.S.C. Section 1332(a)(1). As set forth below, this action is removable pursuant to the provisions of 28 U.S.C. Section 1441(a), as the amount in controversy is in excess of Seventy-Five Thousand Dollars ($75,000.00), exclusive of interest and costs, and is between citizens of different states.

PLAINTIFF'S CITIZENSHIP

Plaintiff is a California Citizen

4. Defendant is informed and believes, that Plaintiff is, and at all times since the commencement of this action has been, a citizen and resident of the State of California. See Complaint, ¶ 1. For diversity purposes, a person is a "citizen" of the state in which he is domiciled. *Kantor v. Wellesley Galleries, Ltd.*, 704 F.2d 1088, 1090 (9th Cir. 1983). A party's residence is prima facie evidence of their domicile. *State Farm Mut. Auto Ins. Co. v. Dyer*, 19 F.3d 514, 520 (10th Cir. 1994).

DEFENDANT'S CITIZENSHIP

Defendant HAMILTON SUNDSTRAND CORPORATION is Not a California Citizen

5. Defendant is now, and was at the time of the filing of this action, incorporated in the State of Delaware and has its principal place of business in Windsor Locks, located within the State of Connecticut. Complaint, ¶ 2. The presence of Doe defendants in this case has no

bearing on diversity with respect to removal. See 28 U.S.C. § 1441(a) ("[f]or purposes of removal under this chapter, the citizenship of defendants sued under fictitious names shall be disregarded.").

6. Pursuant to 28 U.S.C. Section 1332(c), "a corporation shall be deemed to be a citizen of any State by which it has been incorporated and of the State where it has its principal place of business."

7. Defendant is, therefore, not a resident or citizen of the State of California.

AMOUNT-IN-CONTROVERSY

8. Plaintiff alleges in the Complaint causes of action for Discrimination under the California Fair Employment and Housing Act (FEHA), Wrongful Termination in Violation of Public Policy, and Retaliation under FEHA. (Complaint ¶¶14-35). While Defendant denies any liability as to Plaintiff's claims, the amount-in-controversy requirement is satisfied because it is "more likely than not" that the amount-in-controversy exceeds the jurisdictional minimum. *Sanchez v. Monumental Life Ins. Co., 95 F. 3d 856, 862* (9th Cir. 1996) (internal citation omitted). The damages requested by Plaintiff "more likely than not" exceed $75,000.00, exclusive of interest and costs, as required by 28 U.S.C. Section 1332(a).

9. Here, Plaintiff alleges in his Complaint that he earned $70,000.00 per year when he was employed as a Repair Engineer with Defendant. Complaint, ¶ 6. Plaintiff further alleges that he was terminated from said employment on September 22, 2006. Complaint, ¶ 11. He also alleges that as of the filing of his Complaint, he "suffered and continues to suffer economic damages; in the form of wages, experience base and other employment benefits of employment, entitling him to damages." Complaint, ¶¶ 17, 24, 32. Accordingly, based on Plaintiff's allegations, to date, he is claiming approximately $105,000.00 ($5,833.33 (monthly salary) x 18 months) in economic damages (wage loss). Plaintiff is also seeking emotional distress damages (Complaint, ¶¶ 18, 25, 33) and punitive damages (Complaint, ¶¶ 19, 26, 34). Finally, Plaintiff further seeks an award of attorneys' fees. (Complaint, ¶¶ 20, 27, 35).

10. In determining the amount in controversy, the Court must consider the aggregate of general damages, special damages, punitive damages, and attorneys' fees. *Bank of Calif.*

Nat'l Ass'n v. Twin Harbors Lumber Co., 465 F.2d 489, 491 (9th Cir. 1972). Under Ninth Circuit authority, the district court may consider whether it is "facially apparent" from the complaint that the jurisdictional amount is in controversy. If not, the court may consider facts in the removal petition, and may require parties to submit "summary-judgment" type evidence relevant to the amount in controversy. *Singer v. State Farm Mut. Auto. Ins. Co.*, 116 F.3d 373, 377 (9th Cir. 1997).

11. Here, considered together, the general and special damages sought by Plaintiff, along with the attorneys' fees and punitive damages that might be awarded if Plaintiff prevails, and Plaintiff's representation that he was earning $70,000.00 as of his September 2006 termination date, establish, by a preponderance of the evidence, that the amount in controversy exceeds $75,000.00.

A. General and Special Damages

12. The court must consider claims for general and special damages in evaluating the amount in controversy. See *Conrad Associates v. Hartford Accident & Indemnity Co.*, 994 F. Supp. 1196, 1198 (N.D. Cal. 1998). Plaintiff seeks general and special damages, for, among other things, loss of past and future earnings and benefits, and for emotional distress. (Complaint, ¶¶ 17-18, 24-25, 32-33). Taking this into consideration, in addition to Plaintiff's claim for punitive damages, as well as attorney's fees, as more fully developed below, the amount in controversy exceeds $75,000.00.

B. Punitive Damages

13. Plaintiff also seeks punitive damages. (Complaint, ¶¶ 19, 26, 34). This Court must consider Plaintiff's request for punitive damages. *Davenport v. Mutual Benefit Health and Accident Ass'n*, 325 F.2d 785, 787 (9th Cir. 1963) (punitive damages must be taken into account where recoverable under state law).

14. Accordingly, since this action involves citizens of different states and the amount-in-controversy exceeds $75,000.00 the requirements for removal under 28 U.S.C. Sections 1332(a) and 1441(a), are satisfied, and this Court has original jurisdiction.

VENUE

15. Venue lies in the Southern District of this Court pursuant to 28 U.S.C. Sections 1441(a), 1446(a) and 84(c). This action originally was brought in the Superior Court of the State of California, County of San Diego, Central Division. Plaintiff's claims arose out of his employment in San Diego County, and Defendant is informed and believes that Plaintiff resides in San Diego County.

NOTICE OF REMOVAL

16. This Notice of Removal will be promptly served on Plaintiff and filed with the Clerk of the Superior Court of the State of California in and for the County of San Diego, Central Division.

17. In compliance with 28 U.S.C. Section 1446(a), true and correct copies of all process, pleadings, and orders served in this action are attached hereto. They are the Summons and Complaint for Damages (Exhibit A), and Defendant's Answer to Unverified Complaint (Exhibit B).

WHEREFORE, Defendant prays that this civil action be removed from the Superior Court of the State of California, County of San Diego, Central Division, to the United States District Court for the Southern District of California.

DATED: July 2, 2008

SEYFARTH SHAW LLP

By_______________
G. Daniel Newland
Cassandra H. Carroll
Attorneys for Defendant
HAMILTON SUNDSTRAND CORPORATION

SF1 28327742.1

EXHIBIT A

SUM-100

SUMMONS
(CITACION JUDICIAL)

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

Y 15 P 3: 10

COURT

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):
HAMILTON SUNDSTRAND CORPORATION, a UNITED TECHNOLOGIES COMPANY
& DOES 1 THROUGH 20, INCLUSIVE

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):
SHARIF AHMED OBAID

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/selfhelp/espanol/), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.courtinfo.ca.gov/selfhelp/espanol/) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:
(El nombre y dirección de la corte es):
Superior Court of California, County of San Diego
330 W. Broadway
San Diego, CA 92101

CASE NUMBER: *(Número del Caso)*: 37-2008-00083755-CU-WT-CTL

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Donald A. Green 9SBN 225171)
Doan Law Firm, LLP, 2850 Pio Pico Dr., Ste. D, Carlsbad, CA 92008 (760)450-3333

DATE *(Fecha)*: MAY 1 5 2008 Clerk, by *(Secretario)* [illegible] CALIMLIM, Deputy *(Adjunto)*

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citatión use el formulario Proof of Service of Summons (POS-010)).

[SEAL]

NOTICE TO THE PERSON SERVED: You are served
1. [ ] as an individual defendant.
2. [ ] as the person sued under the fictitious name of *(specify)*:
3. [x] on behalf of *(specify)*: Hamilton Sundstrand corporation a United Technologies Company

under: [x] CCP 416.10 (corporation) [ ] CCP 416.60 (minor)
[ ] CCP 416.20 (defunct corporation) [ ] CCP 416.70 (conservatee)
[ ] CCP 416.40 (association or partnership) [ ] CCP 416.90 (authorized person)
[ ] other *(specify)*:

4. [ ] by personal delivery on *(date)*:

Form Adopted for Mandatory Use
Judicial Council of California
SUM-100 [Rev. January 1, 2004]

SUMMONS

Code of Civil Procedure §§ 412.20, 465
American LegalNet, Inc. | www.USCourtForms.com

DONALD A. GREEN (SBN 225171)
DOAN LAW FIRM, LLP
2850 PIO PICO DRIVE, SUITE D
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PHONE (760)450-3333
FAX (760)720-6082

ATTORNEYS FOR PLAINTIFF, SHARIF AHMED OBAID

FILED
2008 MAY 15 P 3:10

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN DIEGO, CENTRAL DIVISION

SHARIF AHMED OBAID, an individual, Plaintiff, v. HAMILTON SUNDSTRAND CORPORATION, a UNITED TECHNOLOGIES COMPANY, and DOES 1 through 20, inclusive, Defendants.	Case No. 37-2008-00083755-CU-WT-CTL **COMPLAINT FOR:** 1. **DISCRIMINATION IN EMPLOYMENT IN VIOLATION OF THE FAIR EMPLOYMENT AND HOUSING ACT (FEHA); AND** 2. **WRONGFUL TERMINATION IN VIOLATION OF PUBLIC POLICY;** 3. **RETALIATION** **JURY TRIAL DEMANDED**

PLAINTIFF, SHARIF AHMED OBAID, alleges as follows:

PARTIES

1. Plaintiff, SHARIF AHMED OBAID, (hereinafter "PLAINTIFF" or "OBAID") is an individual who, at all times herein mentioned, resided within this judicial district in the County of San Diego, State of California at 13030 Rancho Penasquitos Blvd., #8, San Diego, CA 92129. Plaintiff is of Iraqi descent.

2. PLAINTIFF is informed and believes and thereon alleges that Defendant HAMILTON SUNDSTRAND, a UNITED TECHNOLOGIES COMPANY (hereinafter "HAMILTON SUNDSTRAND") is now, and at all times herein mentioned was, a corporation registered to do

business in California, and has been doing business at 4400 Ruffin Road, San Diego, CA 92123. PLAINTIFF is informed and believes that DEFENDANT is a Connecticut corporation, with headquarters located at 1 Hamilton Rd., Windsor Locks, CT 06096-1010.

///

3. DOES 1 through 20, inclusive, are sued under fictitious names. Their true names and capacities are unknown to PLAINTIFF. PLAINTIFF will amend this complaint to allege their true names and capacities when ascertained. PLAINTIFF is informed and believes and on that basis alleges that each of the fictitiously named DEFENDANTS is responsible in some manner for the occurrences alleged in this complaint, and that PLAINTIFF'S claims alleged in this complaint were proximately caused by such DEFENDANTS.

4. PLAINTIFF is informed and believes and on that basis alleges that each named DEFENDANT, including DOES 1 through 20, was the agent, servant, employee, or partner of each other DEFENDANT, and that each DEFENDANT was acting within the course and scope of such agency, employment, partnership, or other business relationship and with the consent or the ratification of each other in doing the things alleged herein.

5. PLAINTIFF is informed and believes and on that basis alleges that at all times herein mentioned, DEFENDANTS and each of them, were residents and/or doing business within the County of San Diego, State of California, within this judicial district, and that DEFENDANTS, and each of them, are responsible to PLAINTIFF pursuant to the causes of action set forth herein.

RELEVANT FACTS

6. PLAINTIFF was hired by DEFENDANT HAMILTON SUNDSTRAND on or about March 27, 2006, as a Repair Engineer earning $70,000 per year. His benefits consisted of health and dental insurance, and life insurance. PLAINTIFF relocated his family from Indiana, causing his wife to have to drop out of a master's program in which she had enrolled.

7. From the period of in or about May, 2006, to the time of his termination, PLAINTIFF was treated differently by his managers than the other employees at this location, none of whom were of Iraqi descent. PLAINTIFF was routinely picked on during meetings and given a hard time, which conduct singled PLAINTIFF out from all of the other employees.

8. PLAINTIFF complained to the human resources department on several occasions about the discriminatory treatment by his managers and other personnel at the encouragement of managers, and, it is PLAINTIFF'S information and belief that his complaints were merely noted in his personnel file.

9. From March 27, 2006, to September 22, 2006, PLAINTIFF'S production compared with others was "Excellent."

10. PLAINTIFF had been given two programs on which to direct the repair engineering without any training for those particular programs. PLAINTIFF alleges that the "UTC Employee Improvement Plan (EIP)" from August 14, 2006, generated in response to his performance on these two projects was unwarranted and given solely with the intent to harass and discriminate against him because of his status as an Iraqi. PLAINTIFF had been told by his manager that he had "concerns," but would not be specific.

11. On or about September 22, 2006, PLAINTIFF'S supervisor, Mr. Larry Walthall, terminated PLAINTIFF'S employment with DEFENDANT for allegedly failing to successfully improve with regard to the August 14, 2006 "Action Plan" as outlined in the "UTC Employee Improvement Plan (EIP)" referenced in paragraph 12, above.

12. On September 28, 2006, PLAINTIFF filed a Complaint with the California Department of Fair Employment and Housing (hereinafter "DFEH") for violations of the Fair Employment and Housing Act, for employment discrimination on the basis of his national origin and retaliation for protesting. The DFEH issued PLAINTIFF a *Right to Sue* letter on May 17, 2007.

13. Plaintiff alleges that he was qualified, willing and able to perform his duties, and that DEFENDANTS' actions as heretofore described were invidious actions designed to discriminate against Plaintiff on the basis of his national origin and in violation of State and Federal law as herein alleged.

FIRST CAUSE OF ACTION

FOR DISCRIMINATION IN EMPLOYMENT IN VIOLATION OF THE FAIR EMPLOYMENT AND HOUSING ACT

14. PLAINTIFF refers to and incorporates herein by reference as though fully set forth below its allegations contained in paragraphs 1 to 13, inclusive.

15. The above-described conduct constitutes actual or constructive termination of the PLAINTIFF, or, at a minimum, is an adverse personnel action. This action was motivated by PLAINTIFF'S national origin and/or PLAINTIFF'S complaint of his treatment to managers. It is irrefutable that PLAINTIFF was Iraqi at the time of his termination. It is furthermore irrefutable that he was and is qualified to perform the job from which he was involuntarily separated.

16. PLAINTIFF has exhausted all available internal and administrative remedies prior to filing suit, filed a complaint with the Department of Fair Employment and Housing, and received a *Notice of Right to Sue* dated May 17, 2007, prior to filing this complaint. This complaint is timely filed within one year of the date of the DFEH notice.

17. As a result of DEFENDANTS' wrongful termination and/or adverse employment action, PLAINTIFF has suffered and continues to suffer economic damages, in the form of wages, experience base and other employment benefits of employment, entitling him to damages in an amount to be determined according to proof.

18. Furthermore, PLAINTIFF has suffered severe emotional and physical distress, entitling him to economic damages for the care and treatment thereof, as well as general damages for his pain and suffering.

19. PLAINTIFF further alleges that the aforesaid conduct was malicious and oppressive as those terms are defined by California Civil Code sections 3294(c)(1) and 3294(c)(2), entitling Plaintiff to punitive damages, in that:

(a) DEFENDANTS intended to cause injury to PLAINTIFF and acted in a despicable manner by discriminating against him as herein alleged on the basis of his national origin;

(b) DEFENDANTS acted willfully and with conscious disregard for the rights of PLAINTIFF by terminating him as a Repair Engineer, knowing that PLAINTIFF was willing, capable, qualified and able to perform his duties;

(c) DEFENDANTS' conduct was despicable in subjecting PLAINTIFF to cruel and unusual hardship in conscious disregard of his rights, knowing that PLAINTIFF was a valuable employee, had no history of adverse personnel actions against him, and terminating him because of his national origin.

20. Plaintiff has incurred attorney's fees in the prosecution of this action, and is entitled to remuneration for the same pursuant to Government Code Section 12965.

SECOND CAUSE OF ACTION FOR
WRONGFUL TERMINATION IN VIOLATION OF PUBLIC POLICY
(as against all Defendants)

21. PLAINTIFF refers to and incorporates herein by reference as though fully set forth below its allegations contained in paragraphs 1 to 20, inclusive.

22. The above-described conduct of DEFENDANTS constitutes termination, wrongful discipline, and discrimination of an Iraqi employee in violation of the California Fair Employment and Housing Act (FEHA) (Cal.Govt. Code § 12900, *et seq*).

23. As alleged above, PLAINTIFF has exhausted all available internal and administrative remedies at his disposal.

24. As a result of DEFENDANTS' wrongful termination and/or adverse employment action, PLAINTIFF has suffered and continues to suffer economic damages, in the form of wages, experience base and other employment benefits of employment, entitling him to damages in an amount to be determined according to proof.

25. Furthermore, PLAINTIFF has suffered severe emotional and physical distress, entitling him to economic damages for the care and treatment thereof, as well as general damages for his pain and suffering.

26. PLAINTIFF further alleges that the aforesaid conduct was malicious and oppressive as those terms are defined by California Civil Code sections 3294(c)(1) and 3294(c)(2), entitling PLAINTIFF to punitive damages, in that:

(a) DEFENDANTS intended to cause injury to PLAINTIFF and acted in a despicable manner by discriminating against him as herein alleged on the basis of his national origin;

(b) DEFENDANTS acted willfully and with conscious disregard for the rights of PLAINTIFF by terminating him as a Repair Engineer, having no reasonable basis for doing so, knowing that PLAINTIFF was willing, capable, qualified and able to perform his duties;

(c) DEFENDANTS' conduct was despicable in subjecting PLAINTIFF to cruel and unusual hardship in conscious disregard of his rights, knowing that PLAINTIFF was valuable employee, had no history of adverse personnel actions against him, and terminating him because of his national origin.

27. PLAINTIFF has incurred attorney's fees in the prosecution of this action, and is entitled to remuneration for the same pursuant to Government Code Section 12965.

THIRD CAUSE OF ACTION
RETALIATION
(as against all Defendants)

28. PLAINTIFF refers to and incorporates herein by reference as though fully set forth below its allegations contained in paragraphs 1 to 27, inclusive.

29. The above-described conduct of DEFENDANTS constitutes violations of FEHA in that DEFENDANTS discriminated against PLAINTIFF by terminating him after he complained of and protested being harassed and discriminated against by his immediate supervisor.

30. PLAINTIFF alleges that the conduct described in paragraph 29 was retaliatory in that PLAINTIFF had a right not to be discriminated against in the workplace, yet when he protested that he had been discriminated against he was wrongfully terminated.

31. PLAINTIFF further alleges that his age and race and his protestations of discrimination in the workplace of DEFENDANTS on that basis were the motivating reasons for PLAINTIFF'S discharge from the employ of HAMILTON SUNDSTRAND. PLAINTIFF further alleges that these actions were a substantial factor in causing PLAINTIFF harm as herein alleged.

32. As a result of DEFENDANTS' retaliation of PLAINTIFF, PLAINTIFF has suffered and continues to suffer economic damages, in the form of wages, experience base, and other employment benefits of employment, entitling him to damages in an amount to be determined according to proof

33. Furthermore, PLAINTIFF has suffered severe emotional and physical distress,

entitling him to economic damages for the care and treatment thereof, as well as general damages for his pain and suffering.

34. PLAINTIFF further alleges that the aforesaid conduct was malicious and oppressive as those terms are defined by California Civil Code sections 3294(c)(1) and 3294(c)(2), entitling PLAINTIFF to punitive damages, in that:

(a)DEFENDANTS intended to cause injury to PLAINTIFF and acted in a despicable manner by discriminating against him as herein alleged on the basis of his national origin;

(b)DEFENDANTS acted willfully and with conscious disregard for the rights of PLAINTIFF by terminating him as a Repair Engineer, having no reasonable basis for doing so, knowing that PLAINTIFF was willing, capable, qualified and able to perform his duties;

c) DEFENDANTS' conduct was despicable in subjecting PLAINTIFF to cruel and unusual hardship in conscious disregard of his rights, knowing that PLAINTIFF was valuable employee, had no history of adverse personnel actions against him, and terminating him because of his national origin.

35. PLAINTIFF has incurred attorney's fees in the prosecution of this action, and is entitled to remuneration for the same.

PRAYER FOR DAMAGES AND OTHER REMEDIES

WHEREFORE, PLAINTIFF prays for judgment against DEFENDANTS and relief as follows:

1. For economic and compensatory damages according to proof and prejudgment interest thereon to the extent allowable by law;
2. For exemplary and punitive damages;
3. For attorneys' fees;
5. For costs of suit herein incurred,
6. For other and further relief as the court may deem proper.

PLAINTIFF DEMANDS THAT THIS ACTION BE TRIED BY JURY.

Dated: MAY 14, 2008

DOAN LAW FIRM, LLP

By: ______________________
DONALD A. GREEN, ESQ.
ATTORNEYS FOR PLAINTIFF,
SHARIF OBAID

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address):
Donald A. Green (SBN 225171)
Doan Law Firm, LLP
2850 Pio Pico Dr., Ste. D, Carlsbad, CA 92008
TELEPHONE NO: 760-450-3333 FAX NO.: 760-720-6082
ATTORNEY FOR (Name): Plaintiff, SHARIF OBAID

FOR COURT USE ONLY
FILED
CIVIL BUSINESS OFFICE 5
2008 MAY 15 P 3:10
CLERK-SUPERIOR COURT
SAN DIEGO COUNTY, CA

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO
STREET ADDRESS: 330 West Broadway
MAILING ADDRESS: 330 West Broadway
CITY AND ZIP CODE: San Diego, CA 92101
BRANCH NAME: Hall of Justice / Central

CASE NAME: SHARIF OBAID v. HAMILTON SUNDSTRAND CORP.

CIVIL CASE COVER SHEET

☑ Unlimited (Amount demanded exceeds $25,000) ☐ Limited (Amount demanded is $25,000 or less)

Complex Case Designation
☐ Counter ☐ Joinder
Filed with first appearance by defendant (Cal. Rules of Court, rule 1811)

CASE NUMBER: 37-2008-00083795-CU-WT-CTL
JUDGE:
DEPT.:

All five (5) items below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort
☐ Auto (22)
☐ Uninsured motorist (46)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort
☐ Asbestos (04)
☐ Product liability (24)
☐ Medical malpractice (45)
☐ Other PI/PD/WD (23)

Non-PI/PD/WD (Other) Tort
☐ Business tort/unfair business practice (07)
☐ Civil rights (08)
☐ Defamation (13)
☐ Fraud (16)
☐ Intellectual property (19)
☐ Professional negligence (25)
☐ Other non-PI/PD/WD tort (35)

Employment
☑ Wrongful termination (36)
☑ ~~Other employment (15)~~ - 37

Contract
☐ Breach of contract/warranty (06)
☐ Collections (09)
☐ Insurance coverage (18)
☐ Other contract (37)

Real Property
☐ Eminent domain/Inverse condemnation (14)
☐ Wrongful eviction (33)
☐ Other real property (26)

Unlawful Detainer
☐ Commercial (31)
☐ Residential (32)
☐ Drugs (38)

Judicial Review
☐ Asset forfeiture (05)
☐ Petition re: arbitration award (11)
☐ Writ of mandate (02)
☐ Other judicial review (39)

Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 1800–1812)
☐ Antitrust/Trade regulation (03)
☐ Construction defect (10)
☐ Mass tort (40)
☐ Securities litigation (28)
☐ Environmental/Toxic tort (30)
☐ Insurance coverage claims arising from the above listed provisionally complex case types (41)

Enforcement of Judgment
☐ Enforcement of judgment (20)

Miscellaneous Civil Complaint
☐ RICO (27)
☐ Other complaint *(not specified above)* (42)

Miscellaneous Civil Petition
☐ Partnership and corporate governance (21)
☐ Other petition *(not specified above)* (43)

2. This case ☐ is ☑ is not complex under rule 1800 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
a. ☐ Large number of separately represented parties
b. ☐ Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
c. ☐ Substantial amount of documentary evidence
d. ☐ Large number of witnesses
e. ☐ Coordination with related actions pending in one or more courts in other counties, states or countries, or in a federal court
f. ☐ Substantial post-judgment judicial supervision
3. Type of remedies sought *(check all that apply)*:
a. ☑ monetary b. ☐ nonmonetary; declaratory or injunctive relief c. ☑ punitive
4. Number of causes of action *(specify)*: Three
5. This case ☐ is ☑ is not a class action suit.

Date: May 14, 2008

Donald A. Green, Esq.
(TYPE OR PRINT NAME) (SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate, Family, or Welfare and Institutions Code). (Cal. Rules of Court, rule 201.8.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 1800 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a complex case, this cover sheet will be used for statistical purposes only.

Form Adopted for Mandatory Use
Judicial Council of California
CM-010 [Rev. July 1, 2003]
CIVIL CASE COVER SHEET
Cal. Rules of Court, rules 201.8, 1800–1812
Standards of Judicial Administration, § 19
www.courtinfo.ca.gov

American LegalNet, Inc.
www.USCourtForms.com

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers

If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must check **all five** items on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. You do not need to submit a cover sheet with amended papers. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 201.8(c) and 227 of the California Rules of Court.

To Parties in Complex Cases

In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 1800 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort
- Auto (22)–Personal Injury/Property Damage/Wrongful Death
- Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

Other PI/PD/WD (Personal Injury/ Property Damage/Wrongful Death) Tort
- Asbestos (04)
  - Asbestos Property Damage
  - Asbestos Personal Injury/ Wrongful Death
- Product Liability (*not asbestos or toxic/environmental*) (24)
- Medical Malpractice (45)
  - Medical Malpractice– Physicians & Surgeons
  - Other Professional Health Care Malpractice
- Other PI/PD/WD (23)
  - Premises Liability (e.g., slip and fall)
  - Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
  - Intentional Infliction of Emotional Distress
  - Negligent Infliction of Emotional Distress
  - Other PI/PD/WD

Non-PI/PD/WD (Other) Tort
- Business Tort/Unfair Business Practice (07)
- Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*)(08)
- Defamation (e.g., slander, libel) (13)
- Fraud (16)
- Intellectual Property (19)
- Professional Negligence (25)
  - Legal Malpractice
  - Other Professional Malpractice (*not medical or legal*)
- Other Non-PI/PD/WD Tort (35)

Employment
- Wrongful Termination (36)
- Other Employment (15)

Contract
- Breach of Contract/Warranty (06)
  - Breach of Rental/Lease
    - Contract (*not unlawful detainer or wrongful eviction*)
  - Contract/Warranty Breach–Seller Plaintiff (*not fraud or negligence*)
  - Negligent Breach of Contract/ Warranty
  - Other Breach of Contract/Warranty
- Collections (e.g., money owed, open book accounts) (09)
  - Collection Case–Seller Plaintiff
  - Other Promissory Note/Collections Case
- Insurance Coverage (*not provisionally complex*) (18)
  - Auto Subrogation
  - Other Coverage
- Other Contract (37)
  - Contractual Fraud
  - Other Contract Dispute

Real Property
- Eminent Domain/Inverse Condemnation(14)
- Wrongful Eviction (33)
- Other Real Property (e.g., quiet title) (26)
  - Writ of Possession of Real Property
  - Mortgage Foreclosure
  - Quiet Title
  - Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

Unlawful Detainer
- Commercial (31)
- Residential (32)
- Drugs (38) (*if the case involves illegal drugs, check this item, otherwise, report as Commercial or Residential.*)

Judicial Review
- Asset Forfeiture (05)
- Petition Re: Arbitration Award (11)
- Writ of Mandate (02)
  - Writ–Administrative Mandamus
  - Writ–Mandamus on Limited Court Case Matter
  - Writ–Other Limited Court Case Review
- Other Judicial Review (39)
  - Review of Health Officer Order
  - Notice of Appeal–Labor Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rule 1800-1812)
- Antitrust/Trade Regulation (03)
- Construction Defect (10)
- Claims Involving Mass Tort (40)
- Securities Litigation (28)
- Toxic Tort/Environmental (30)
- Insurance Coverage Claims
  - (*arising from provisionally complex case type listed above*) (41)

Enforcement of Judgment
- Enforcement of Judgment (20)
  - Abstract of Judgment (Out of County)
  - Confession of Judgment (*non-domestic relations*)
  - Sister State Judgment
  - Administrative Agency Award (*not unpaid taxes*)
  - Petition/Certification of Entry of Judgment on Unpaid Tax
  - Other Enforcement of Judgment Case

Miscellaneous Civil Complaint
- RICO (27)
- Other Complaint (*not specified above*) (42)
  - Declaratory Relief Only
  - Injunctive Relief Only (*non-harassment*)
  - Mechanics Lien
  - Other Commercial Complaint Case (*non-tort/non-complex*)
  - Other Civil Complaint (*non-tort/non-complex*)

Miscellaneous Civil Petition
- Partnership and Corporate Governance (21)
- Other Petition (*not specified above*) (43)
  - Civil Harassment
  - Workplace Violence
  - Elder/Dependent Adult Abuse
  - Election Contest
  - Petition for Name Change
  - Petition for Relief from Late Claim
  - Other Civil Petition

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO	
STREET ADDRESS	330 West Broadway
MAILING ADDRESS:	330 West Broadway
CITY AND ZIP CODE	San Diego, CA 92101
BRANCH NAME:	Central
TELEPHONE NUMBER:	(619) 685-6140
PLAINTIFF(S) / PETITIONER(S):	Sharif Ahmed Obaid
DEFENDANT(S) / RESPONDENT(S):	Hamilton Sundstrand Corporation, a United Technologies Company
OBAID VS. HAMILTON SUNDSTRAND CORPORATION, A UNITED TECHNOLOGIES COMPANY	
NOTICE OF CASE ASSIGNMENT	CASE NUMBER: 37-2008-00083755-CU-WT-CTL

Judge: Richard E. L. Strauss Department: C-75

COMPLAINT/PETITION FILED: 05/15/2008

CASES ASSIGNED TO THE PROBATE DIVISION ARE NOT REQUIRED TO COMPLY WITH THE CIVIL REQUIREMENTS LISTED BELOW

IT IS THE DUTY OF EACH PLAINTIFF (AND CROSS-COMPLAINANT) TO SERVE A COPY OF THIS NOTICE WITH THE COMPLAINT (AND CROSS-COMPLAINT).

ALL COUNSEL WILL BE EXPECTED TO BE FAMILIAR WITH SUPERIOR COURT RULES WHICH HAVE BEEN PUBLISHED AS DIVISION II, AND WILL BE STRICTLY ENFORCED.

TIME STANDARDS: The following timeframes apply to general civil cases and must be adhered to unless you have requested and been granted an extension of time. General civil consists of all cases except: Small claims appeals, petitions, and unlawful detainers.

COMPLAINTS: Complaints must be served on all named defendants, and a CERTIFICATE OF SERVICE (SDSC CIV-345) filed within 60 days of filing. This is a mandatory document and may not be substituted by the filing of any other document.

DEFENDANT'S APPEARANCE: Defendant must generally appear within 30 days of service of the complaint. (Plaintiff may stipulate to no more than a 15 day extension which must be in writing and filed with the Court.)

DEFAULT: If the defendant has not generally appeared and no extension has been granted, the plaintiff must request default within 45 days of the filing of the Certificate of Service.

THE COURT ENCOURAGES YOU TO CONSIDER UTILIZING VARIOUS ALTERNATIVES TO LITIGATION, INCLUDING MEDIATION AND ARBITRATION, PRIOR TO THE CASE MANAGEMENT CONFERENCE. MEDIATION SERVICES ARE AVAILABLE UNDER THE DISPUTE RESOLUTION PROGRAMS ACT AND OTHER PROVIDERS. SEE ADR INFORMATION PACKET AND STIPULATION.

YOU MAY ALSO BE ORDERED TO PARTICIPATE IN ARBITRATION PURSUANT TO CCP 1141.10 AT THE CASE MANAGEMENT CONFERENCE. THE FEE FOR THESE SERVICES WILL BE PAID BY THE COURT IF ALL PARTIES HAVE APPEARED IN THE CASE AND THE COURT ORDERS THE CASE TO ARBITRATION PURSUANT TO CCP 1141.10. THE CASE MANAGEMENT CONFERENCE WILL BE CANCELLED IF YOU FILE FORM SDSC CIV-359 PRIOR TO THAT HEARING

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

CASE NUMBER: 37-2008-00083755-CU-WT-CTL CASE TITLE: Obaid vs. Hamilton Sundstrand Corporation, a United Techn

NOTICE TO LITIGANTS/ADR INFORMATION PACKAGE

You are required to serve a copy of this Notice to Litigants/ADR Information Package and a copy of the blank Stipulation to Alternative Dispute Resolution Process (received from the Civil Business Office at the time of filing) with a copy of the Summons and Complaint on all defendants in accordance with San Diego Superior Court Rule 2.1.5, Division II and CRC Rule 201.9.

ADR POLICY

It is the policy of the San Diego Superior Court to strongly support the use of Alternative Dispute Resolution ("ADR") in all general civil cases. The court has long recognized the value of early case management intervention and the use of alternative dispute resolution options for amenable and eligible cases. The use of ADR will be discussed at all Case Management Conferences. It is the court's expectation that litigants will utilize some form of ADR – i.e. the court's mediation or arbitration programs or other available private ADR options as a mechanism for case settlement before trial

ADR OPTIONS

1) CIVIL MEDIATION PROGRAM: The San Diego Superior Court Civil Mediation Program is designed to assist parties with the early resolution of their dispute. All general civil independent calendar cases, including construction defect, complex and eminent domain cases are eligible to participant in the program. Limited civil collection cases are not eligible at this time. San Diego Superior Court Local Rule 2.31, Division II addresses this program specifically. Mediation is a non- binding process in which a trained mediator 1) facilitates communication between disputants, and 2) assists parties in reaching a mutually acceptable resolution of all or part of their dispute. In this process, the mediator carefully explores not only the relevant evidence and law, but also the parties' underlying interests, needs and priorities. The mediator is not the decision-maker and will not resolve the dispute – the parties do. Mediation is a flexible, informal and confidential process that is less stressful than a formalized trial. It can also save time and money, allow for greater client participation and allow for more flexibility in creating a resolution.

Assignment to Mediation, Cost and Timelines: Parties may stipulate to mediation at any time up to the CMC or may stipulate to mediation at the CMC. Mediator fees and expenses are split equally by the parties, unless otherwise agreed. Mediators on the court's approved panel have agreed to the court's payment schedule for county-referred mediation: $150.00 per hour for each of the first two hours and their individual rate per hour thereafter. Parties may select any mediator, however, the court maintains a panel of court-approved mediators who have satisfied panel requirements and who must adhere to ethical standards. All court-approved mediator fees and other policies are listed in the Mediator Directory at each court location to assist parties with selection. **Discovery:** Parties do not need to conduct full discovery in the case before mediation is considered, utilized or referred. **Attendance at Mediation:** Trial counsel, parties and all persons with full authority to settle the case must personally attend the mediation, unless excused by the court for good cause

2) JUDICIAL ARBITRATION: Judicial Arbitration is a binding or non-binding process where an arbitrator applies the law to the facts of the case and issues an award. The goal of judicial arbitration is to provide parties with an adjudication that is earlier, faster, less formal and less expensive than trial. The arbitrator's award may either become the judgment in the case if all parties accept or if no trial de novo is requested within the required time. Either party may reject the award and request a trial de novo before the assigned judge if the arbitration was non-binding. If a trial de novo is requested, the trial will usually be scheduled within a year of the filing date.

Assignment to Arbitration, Cost and Timelines: Parties may stipulate to binding or non-binding judicial arbitration or the judge may order the matter to arbitration at the case management conference, held approximately 150 days after filing, if a case is valued at under $50,000 and is "at issue". The court maintains a panel of approved judicial arbitrators who have practiced law for a minimum of five years and who have a certain amount of trial and/or arbitration experience. In addition, if parties select an arbitrator from the court's panel, the court will pay the arbitrator's fees. Superior Court

3) **SETTLEMENT CONFERENCES:** The goal of a settlement conference is to assist the parties in their efforts to negotiate a settlement of all or part of the dispute. Parties may, at any time, request a settlement conference before the judge assigned to their case; request another assigned judge or a pro tem to act as settlement officer; or may privately utilize the services of a retired judge. The court may also order a case to a mandatory settlement conference prior to trial before the court's assigned Settlement Conference judge.

4) **OTHER VOLUNTARY ADR:** Parties may voluntarily stipulate to private ADR options outside the court system including private binding arbitration, private early neutral evaluation or private judging at any time by completing the "Stipulation to Alternative Dispute Resolution Process" which is included in this ADR package. Parties may also utilize mediation services offered by programs that are partially funded by the county's Dispute Resolution Programs Act. These services are available at no cost or on a sliding scale based on need. For a list of approved DRPA providers, please contact the County's DRPA program office at (619) 238-2400.

ADDITIONAL ADR INFORMATION: For more information about the Civil Mediation Program, please contact the Civil Mediation Department at (619) 515-8908. For more information about the Judicial Arbitration Program, please contact the Arbitration Office at (619) 531-3818. For more information about Settlement Conferences, please contact the Independent Calendar department to which your case is assigned. Please note that staff can only discuss ADR options and cannot give legal advice.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO	FOR COURT USE ONLY
STREET ADDRESS: 330 West Broadway MAILING ADDRESS: 330 West Broadway CITY, STATE, & ZIP CODE: San Diego, CA 92101-3827 BRANCH NAME: Central	
PLAINTIFF(S): Sharif Ahmod Obaid	
DEFENDANT(S): Hamilton Sundstrand Corporation, a United Technologies Company	
SHORT TITLE: OBAID VS HAMILTON SUNDSTRAND CORPORATION, A UNITED TECHNOLOGIES COMPANY	
STIPULATION TO ALTERNATIVE DISPUTE RESOLUTION PROCESS (CRC 3.221)	CASE NUMBER: 37-2008-00083755-CU-WT-CTL

Judge: Richard E. L. Strauss Department: C-75

The parties and their attorneys stipulate that the matter is at issue and the claims in this action shall be submitted to the following alternative dispute resolution process. Selection of any of these options will not delay any case management time-lines.

- ☐ Court-Referred Mediation Program
- ☐ Private Neutral Evaluation
- ☐ Private Mini-Trial
- ☐ Private Summary Jury Trial
- ☐ Private Settlement Conference with Private Neutral
- ☐ Other (specify): ____________
- ☐ Court-Ordered Nonbinding Arbitration
- ☐ Court-Ordered Binding Arbitration (Stipulated)
- ☐ Private Reference to General Referee
- ☐ Private Reference to Judge
- ☐ Private Binding Arbitration

It is also stipulated that the following shall serve as arbitrator, mediator or other neutral: (Name) ____________

Alternate: (mediation & arbitration only) ____________

Date: ____________ Date: ____________

Name of Plaintiff ____________ Name of Defendant ____________

Signature ____________ Signature ____________

Name of Plaintiff's Attorney ____________ Name of Defendant's Attorney ____________

Signature ____________ Signature ____________

(Attach another sheet if additional names are necessary). It is the duty of the parties to notify the court of any settlement pursuant to California Rules of Court, 3.1385. Upon notification of the settlement the court will place this matter on a 45-day dismissal calendar.

No new parties may be added without leave of court and all un-served, non-appearing or actions by names parties are dismissed.

IT IS SO ORDERED.

Dated: 05/15/2008 ____________ JUDGE OF THE SUPERIOR COURT

SEYFARTH SHAW LLP
G. Daniel Newland (State Bar No. 087965)
Cassandra H. Carroll (State Bar No. 209123)
560 Mission Street, Suite 3100
San Francisco, California 94105
Telephone: (415) 397-2823
Facsimile: (415) 397-8549

Attorneys for Defendant
HAMILTON SUNDSTRAND CORPORATION

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN DIEGO - CENTRAL

SHARIF AHMED OBAID, Plaintiff, v. HAMILTON SUNDSTRAND CORPORATION, a UNITED TECHNOLOGIES COMPANY, and DOES 1 through 20, inclusive. Defendants.	Case No. 37-2008-00083755-CU-WT-CTL **DEFENDANT'S ANSWER TO UNVERIFIED COMPLAINT**

Defendant HAMILTON SUNDSTRAND CORPORATION ("Hamilton" or "Defendant") hereby files its answer to the Unverified Complaint ("Complaint") of Plaintiff SHARIF AHMED OBAID ("Plaintiff"), as follows:

GENERAL DENIAL

Pursuant to the provisions of California Code of Civil Procedure section 431.30(d), Defendant denies, generally and specifically, each and every allegation, statement, matter and each purported cause of action in Plaintiff's Complaint, and without limiting the generality of the foregoing, denies, generally and specifically, that Plaintiff has been damaged in the manner or sums alleged, or in any way at all, by reason of any acts or omissions of Defendant.

SEPARATE ADDITIONAL DEFENSES

In further answer to Plaintiff's Complaint, and as separate and distinct Additional defenses, Defendant alleges the following defenses. In asserting these defenses, Defendant does not assume the burden of proof as to matters that, pursuant to law, are Plaintiff's burden to prove.

Defendant does not presently know all of the facts and circumstances respecting Plaintiff's claims and therefore reserves the right to amend this Answer should Defendant later discover facts demonstrating the existence of additional defenses.

FIRST DEFENSE

(Failure to State a Cause of Action - All Causes of Action)

The Complaint fails to state a claim upon which relief may be granted against Defendant.

SECOND DEFENSE

(No Injury - All Causes of Action)

Plaintiff sustained no injury or damages as a proximate result of any act by or attributable to Defendant.

THIRD DEFENSE

(Damages Not Caused by Defendant - All Causes of Action)

Plaintiff's injury, damage, loss and/or detriment, if any, was caused, in whole or in part by parties other than Defendant and any injuries, damages, loss and/or detriment allegedly incurred by him were not the result or cause of any act, omission, or other conduct of Defendant.

FOURTH DEFENSE

(Statute of Limitations - All Causes of Action)

The claims set forth in the Complaint are barred to the extent they exceed the applicable statutes of limitations including, but not limited to, Cal. Government Code Section 12960 and Cal. Code of Civ. Proc. Section 338(a).

FIFTH DEFENSE

(Prompt Remedial Action - All Causes of Action)

To the extent Plaintiff complained of any unlawful conduct, prompt remedial action was taken.

SIXTH DEFENSE

(Plaintiff Failed to Take Advantage of Preventative or Corrective Opportunities - All Causes of Action)

Plaintiff's claims are barred in whole or in part because Plaintiff unreasonably failed to take advantage of any preventive or corrective opportunities provided by Defendant or otherwise failed to avoid harm.

SEVENTH DEFENSE

(Failure to Exhaust Administrative Remedies – First and Third Causes of Action)

The claims set forth in the Complaint are barred because Plaintiff has failed to timely and fully exhaust his administrative remedies, and this court lacks subject matter jurisdiction over all claims, allegations and defendants named in the complaint that are not referenced in a timely charge of discrimination.

EIGHTH DEFENSE

(Scope of Administrative Charge – First and Third Cause of Action)

In the event Plaintiff filed an administrative charge with the California Department of Fair Employment and Housing and/or the U.S. Equal Employment Opportunity Commission, Plaintiff's claims are barred to the extent that the claims and allegations in the Complaint were not contained in Plaintiff's charge of discrimination.

NINTH DEFENSE

(No Discrimination – First and Second Causes of Action)

Plaintiff's discrimination claims are precluded as Plaintiff cannot establish that any adverse employment action was taken against him on the basis of his membership in any protected class.

TENTH DEFENSE

(Legitimate Business Reasons - All Causes of Action)

The claims set forth in the Complaint are barred because all actions undertaken by Defendant were accomplished for legitimate, nondiscriminatory business reasons.

ELEVENTH DEFENSE

(No Adverse Employment Action - All Causes of Action)

Plaintiff's complaint fails as Plaintiff cannot establish that any adverse employment action was taken against him by Defendant.

TWELFTH DEFENSE

(Good Cause/Good Faith - All Causes of Action)

The claims set forth in the Complaint are barred because Defendant acted at all times in good faith and had legal and good cause for its actions.

THIRTEENTH DEFENSE

(Management Discretion - All Causes of Action)

Any and all conduct of which Plaintiff complains or which is attributed to Defendant was a just and proper exercise of management discretion, and Defendant's conduct was at all times privileged and justified, and undertaken for a fair and honest reason untainted by discriminatory motive.

FOURTEENTH DEFENSE

(No Vicarious Liability – All Causes of Action)

Defendant may not be held vicariously liable because it exercised reasonable care to prevent and promptly correct any alleged discriminatory or otherwise unlawful behavior, and Plaintiff unreasonably failed to take advantage of the preventive or remedial mechanisms for reporting and resolving his claims, or to avoid harm otherwise.

FIFTEENTH DEFENSE

(Unclean Hands - All Causes of Action)

The claims set forth in the Complaint are barred to the extent Plaintiff is guilty of unclean hands in connection with his allegations against Defendant.

SIXTEENTH DEFENSE

(Estoppel - All Causes of Action)

The claims set forth in the Complaint are barred by reason of Plaintiff's own inconsistent, improper, or negligent statements and/or conduct, or that of Plaintiff's representatives or agents, and therefore Plaintiff is estopped from recovering on any of the claims.

SEVENTEENTH DEFENSE

(After-Acquired Evidence - All Causes of Action)

Plaintiff's claims are barred to the extent that he engaged in any misconduct which, if known, would have caused Plaintiff not to be hired or to be terminated by Defendant.

EIGHTEENTH DEFENSE

(Failure to Mitigate - All Causes of Action)

Recovery in this matter is barred or must be reduced to the extent that Plaintiff has failed to mitigate his alleged loss of wages and other damages.

NINETEENTH DEFENSE

(Waiver - All Causes of Action)

The claims set forth in the Complaint are barred because Plaintiff and/or his representatives or agents has or have waived any right to recover.

TWENTIETH DEFENSE

(Consent/Ratification - All Causes of Action)

The claims set forth in the Complaint are barred in whole or in part by virtue of the fact that any conduct by or attributable to Defendant was consented to or ratified by Plaintiff and/or his representatives or agents.

TWENTY-FIRST DEFENSE

(*Laches* - All Causes of Action)

Plaintiff, by his own acts and/or omissions occurring at all times relevant to this action, is guilty of *laches* and is, therefore, barred from recovering at all as against Defendant, and/or recovery must be reduced.

TWENTY-SECOND DEFENSE

(Employment Action - All Causes of Action)

Any employment action taken by Defendant against Plaintiff would have been taken in any event regardless of Plaintiff's national origin and/or protected activity, and thus Plaintiff's claims thereon are barred.

TWENTY-THIRD DEFENSE

(Willful Breach of Duties in Course of Employment - All Causes of Action)

Plaintiff's claims are barred pursuant to California Labor Code §2924, in that Plaintiff willfully breached his duties in the course of his employment, habitually neglected his duties as an employee, or continually was incapable of performing such duties.

TWENTY-FOURTH DEFENSE

(Retaliation – Third Cause of Action)

Plaintiff's retaliation claim fails as Plaintiff did not engage in any protected activity upon which such a claim could be based.

TWENTY-FIFTH DEFENSE

(Retaliation – No Causal Connection – Third Cause of Action)

Plaintiff's retaliation claim fails as Plaintiff cannot establish a causal connection between any complaint made by Plaintiff to Defendant and any adverse action taken against Plaintiff by Defendant.

TWENTY-SIXTH DEFENSE

(Workers' Compensation Exclusivity – All Causes of Action)

Plaintiff's claims for purported emotional injuries allegedly suffered during or as a result of his employment are barred in whole or in part because Plaintiff's sole and exclusive remedies, if any, lie under California Workers' Compensation Act, Labor Code §§ 3601, et seq.

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TWENTY-SEVENTH DEFENSE

(Employment Decisions Contrary to Employer's Policies - All Causes of Action)

Plaintiff may not recover punitive damages for discriminatory employment decisions to the extent that those decisions are contrary to the policies Defendant has instituted in good faith against wrongful conduct.

TWENTY-EIGHTH DEFENSE

(Failure to State Claim for Punitive Damages - All Causes of Action)

Plaintiff's complaint fails to state a claim upon which punitive and/or exemplary damages may be granted.

TWENTY-NINTH DEFENSE

(Unconstitutional on its Face - All Causes of Action)

California Civil Code Section 3294, relating to the imposition of punitive damages, is invalid on its face, or as applied to Defendant in this action, pursuant to Article I, Section 10, Article IV, Section 2, and the First, Fifth, Sixth, Eighth and Fourteenth Amendments to the Constitution of the United States, and Articles I and IV of the California Constitution.

THIRTY DEFENSE

(Criminal Penalty - All Causes of Action)

Actions such as this seeking the imposition of punitive damages are essentially criminal in nature and entitle Defendant to the rights afforded to it in criminal proceedings under the Fifth, Sixth, Eighth and Fourteenth Amendments of the United States Constitution and Article 1, Sections 7, 15 and 17 and Article IV, Section 16 of the California Constitution. The procedural laws that deny such rights to Defendant, including but not limited to the lack of a requirement that Plaintiff prove beyond a reasonable doubt the basis for imposing punitive damages, violate Defendant's rights under such constitutional provisions.

THIRTY-FIRST DEFENSE

(Attorney's Fees - All Causes of Action)

Plaintiff knew or should have known that the claims in the Complaint are without any reasonable basis in law and equity and cannot be supported by good faith argument for extension, modification or reversal of existing law. As a result of the filing of this Complaint, Defendant has been required to obtain the services of the undersigned attorneys and has and will continue to incur substantial costs and attorneys' fees in defense of this frivolous case. Defendant is therefore entitled to recover reasonable attorneys' fees, expenses, and costs incurred by and through this action.

THIRTY-SECOND DEFENSE

(Other Defenses - All Causes of Action)

Defendant currently has insufficient knowledge or information upon which to determine whether or not additional affirmative defenses may be available to it which have not yet been asserted in this Answer and, therefore, reserves the right to assert additional affirmative defenses based upon subsequent discovery.

WHEREFORE, Defendant prays for judgment as follows:

1. That Plaintiff take nothing by his Complaint on file herein;

2. That judgment be entered in favor of Defendant and against Plaintiff on all causes of action;

3. That Defendant be awarded reasonable attorney's fees according to proof;

4. That Defendant be awarded the costs of suit incurred herein; and

5. That Defendant be awarded such other and further relief as the Court may deem appropriate.

DATED: July 2, 2008

SEYFARTH SHAW LLP

By ________________________
G. Daniel Newland
Cassandra H. Carroll
Attorneys for Defendant
HAMILTON SUNDSTRAND CORPORATION

SF1 28327669.1 / 54540-000005

PROOF OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is Seyfarth Shaw LLP, 560 Mission Street, Suite 3100, San Francisco, California 94105. On July 2, 2008, I served the within documents:

DEFENDANT'S ANSWER TO UNVERIFIED COMPLAINT

☐ I sent such document from facsimile machine (415) 397-8549 on __________. I certify that said transmission was completed and that all pages were received and that a report was generated by facsimile machine (415) 397-8549 which confirms said transmission and receipt. I, thereafter, mailed a copy to the interested party(ies) in this action by placing a true copy thereof enclosed in sealed envelope(s) addressed to the parties listed below.

☒ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at San Francisco, California addressed as set forth below.

☐ by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.

☐ by placing the document(s) listed above, together with an unsigned copy of this declaration, in a sealed Federal Express envelope with postage paid on account and deposited with Federal Express at San Francisco, California, addressed as set forth below.

☐ by placing the document(s) listed above, together with an unsigned copy of this declaration, in a sealed Overnite Express envelope with postage paid on account and deposited with Overnite Express at San Francisco, California, addressed as set forth below.

☐ by transmitting the document(s) listed above, electronically, via the e-mail addresses set forth below.

Donald A. Green
Doan Law Firm, LLP
2850 Pio Pico Drive, Suite D
Carlsbad, CA 92008
(760) 450-3333
(760) 720-6082 (facsimile)

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than on day after the date of deposit for mailing in affidavit.

I declare that I am employed in the office of a member of the bar of this court whose direction the service was made.

Executed on July 2, 2008, at San Francisco, California.

Nancy J. Davilla

UNITED STATES
DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
SAN DIEGO DIVISION

# 152625 - MB

July 03, 2008
12:46:20

Civ Fil Non-Pris
USAO #.: 08CV1179 CIVIL FILING
Judge..: IRMA E GONZALEZ
Amount.: $350.00 CK
Check#.: BC20362

Total-> $350.00

FROM: SHARIF AHMED OBAID VS
HAMILTON SUNDSTRAND CORP, ET A

JS 44 (Rev. 12/07)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

FILED 08 JUL -3 PM 12:44

I. (a) PLAINTIFFS

Sharif Ahmed Obaid

(b) County of Residence of First Listed Plaintiff: San Diego
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Donald A. Green, Doan Law Firm LLP, 2850 Pio Pico Drive, Suite D, Carlsbad, CA 92008

DEFENDANTS

Hamilton Sundstrand Corporation, a United Technologies Company, et al.

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

'08 CV 1179 IEG AJB
1197 ECL

Attorneys (If Known)

G. Daniel Newland/Cassandra H. Carroll, Seyfarth Shaw LLP, 560 Mission Street, 31st Floor, San Francisco, CA 94105

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	☒ 1	☐ 1	Incorporated or Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated and Principal Place of Business In Another State	☐ 5	☒ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT
- ☐ 110 Insurance
- ☐ 120 Marine
- ☐ 130 Miller Act
- ☐ 140 Negotiable Instrument
- ☐ 150 Recovery of Overpayment & Enforcement of Judgment
- ☐ 151 Medicare Act
- ☐ 152 Recovery of Defaulted Student Loans (Excl. Veterans)
- ☐ 153 Recovery of Overpayment of Veteran's Benefits
- ☐ 160 Stockholders' Suits
- ☐ 190 Other Contract
- ☐ 195 Contract Product Liability
- ☐ 196 Franchise

REAL PROPERTY
- ☐ 210 Land Condemnation
- ☐ 220 Foreclosure
- ☐ 230 Rent Lease & Ejectment
- ☐ 240 Torts to Land
- ☐ 245 Tort Product Liability
- ☐ 290 All Other Real Property

TORTS

PERSONAL INJURY
- ☐ 310 Airplane
- ☐ 315 Airplane Product Liability
- ☐ 320 Assault, Libel & Slander
- ☐ 330 Federal Employers' Liability
- ☐ 340 Marine
- ☐ 345 Marine Product Liability
- ☐ 350 Motor Vehicle
- ☐ 355 Motor Vehicle Product Liability
- ☐ 360 Other Personal Injury

PERSONAL INJURY
- ☐ 362 Personal Injury - Med. Malpractice
- ☐ 365 Personal Injury - Product Liability
- ☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
- ☐ 370 Other Fraud
- ☐ 371 Truth in Lending
- ☐ 380 Other Personal Property Damage
- ☐ 385 Property Damage Product Liability

CIVIL RIGHTS
- ☐ 441 Voting
- ☒ 442 Employment
- ☐ 443 Housing/ Accommodations
- ☐ 444 Welfare
- ☐ 445 Amer. w/Disabilities - Employment
- ☐ 446 Amer. w/Disabilities - Other
- ☐ 440 Other Civil Rights

PRISONER PETITIONS
- ☐ 510 Motions to Vacate Sentence

Habeas Corpus:
- ☐ 530 General
- ☐ 535 Death Penalty
- ☐ 540 Mandamus & Other
- ☐ 550 Civil Rights
- ☐ 555 Prison Condition

FORFEITURE/PENALTY
- ☐ 610 Agriculture
- ☐ 620 Other Food & Drug
- ☐ 625 Drug Related Seizure of Property 21 USC 881
- ☐ 630 Liquor Laws
- ☐ 640 R.R. & Truck
- ☐ 650 Airline Regs.
- ☐ 660 Occupational Safety/Health
- ☐ 690 Other

LABOR
- ☐ 710 Fair Labor Standards Act
- ☐ 720 Labor/Mgmt. Relations
- ☐ 730 Labor/Mgmt.Reporting & Disclosure Act
- ☐ 740 Railway Labor Act
- ☐ 790 Other Labor Litigation
- ☐ 791 Empl. Ret. Inc. Security Act

IMMIGRATION
- ☐ 462 Naturalization Application
- ☐ 463 Habeas Corpus - Alien Detainee
- ☐ 465 Other Immigration Actions

BANKRUPTCY
- ☐ 422 Appeal 28 USC 158
- ☐ 423 Withdrawal 28 USC 157

PROPERTY RIGHTS
- ☐ 820 Copyrights
- ☐ 830 Patent
- ☐ 840 Trademark

SOCIAL SECURITY
- ☐ 861 HIA (1395ff)
- ☐ 862 Black Lung (923)
- ☐ 863 DIWC/DIWW (405(g))
- ☐ 864 SSID Title XVI
- ☐ 865 RSI (405(g))

FEDERAL TAX SUITS
- ☐ 870 Taxes (U.S. Plaintiff or Defendant)
- ☐ 871 IRS—Third Party 26 USC 7609

OTHER STATUTES
- ☐ 400 State Reapportionment
- ☐ 410 Antitrust
- ☐ 430 Banks and Banking
- ☐ 450 Commerce
- ☐ 460 Deportation
- ☐ 470 Racketeer Influenced and Corrupt Organizations
- ☐ 480 Consumer Credit
- ☐ 490 Cable/Sat TV
- ☐ 810 Selective Service
- ☐ 850 Securities/Commodities/ Exchange
- ☐ 875 Customer Challenge 12 USC 3410
- ☐ 890 Other Statutory Actions
- ☐ 891 Agricultural Acts
- ☐ 892 Economic Stabilization Act
- ☐ 893 Environmental Matters
- ☐ 894 Energy Allocation Act
- ☐ 895 Freedom of Information Act
- ☐ 900Appeal of Fee Determination Under Equal Access to Justice
- ☐ 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
- ☒ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 28 U.S.C. Sections 1441 and 1446.

Brief description of cause: Employment discrimination, wrongful termination and retaliation

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND $ see attached.

CHECK YES only if demanded in complaint: JURY DEMAND: ☑ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE ______ DOCKET NUMBER ______

DATE: 7-2-08

SIGNATURE OF ATTORNEY OF RECORD: [signature]

FOR OFFICE USE ONLY

RECEIPT # 152625 AMOUNT $350.00 APPLYING IFP ______ JUDGE ______ MAG. JUDGE ______

AB 07/03/08

ORIGINAL

OR

JS 44 Reverse (Rev. 12/07)

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I. **(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. **Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

III. **Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. **Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

V. **Origin.** Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

VI. **Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553
Brief Description: Unauthorized reception of cable service

VII. **Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. **Related Cases.** This section of the JS 44 is used to reference related pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

ATTACHMENT TO CIVIL COVER SHEET

VII. **REQUESTED IN COMPLAINT: DEMAND:** $105,000 economic damages, wage loss, plus emotional distress and punitive damages.